

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID GONZALEZ,

Plaintiff,

-against-

NUEVO THREE WAY INC., 3 WAY  
RESTAURANT INC., MIGUELINA Y. LUNA *a/k/a*  
MIGUELINA BELLO and GENESIS BELLO;

Defendants.

24-cv-4751 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on November 25, 2024, the Court ordered Defendants to show cause why a judgment of default should not be entered pursuant to Rule 55 of the Federal Rules of Civil Procedure (Dkt. 40);

WHEREAS on January 24, 2025, counsel for Plaintiff appeared at the show-cause hearing, but Defendants did not.

IT IS HEREBY ORDERED that, not later than **Friday, February 7, 2025**, Plaintiff must file a letter on ECF either (1) voluntarily withdrawing the Sixth and Seventh Causes of Action or (2) showing cause why the Sixth and Seventh Causes of Action should not be dismissed for lack of standing.

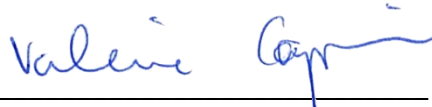
IT IS FURTHER ORDERED that, in the same letter to be filed not later than **Friday, February 7, 2025**, Plaintiff must provide a revised calculation of damages explaining why the amount sought in the Damages Chart (Dkt. 37-5) differs from the amount sought in the Proposed Default Judgment (Dkt. 38). If Plaintiff wishes to withdraw the Sixth and Seventh Causes of Action, he must adjust his damages calculations accordingly.

IT IS FURTHER ORDERED that, in the same letter to be filed not later than **Friday, February 7, 2025**, Plaintiff must clarify whether his “primary language” is Portuguese (as indicated in paragraph 75 of the Complaint, Dkt. 1) or Spanish (as indicated Paragraph 33 of his Declaration in Support of His Application for Default Judgment, Dkt. 37-1).

IT IS FURTHER ORDERED that, not later than **Friday, February 7, 2025**, Plaintiff must file an affidavit on ECF from the person who prepared the translation of Plaintiff’s Declaration (Dkt. 37-1) attesting that such translation is true and accurate.

**SO ORDERED.**

**Date: January 24, 2025**  
**New York, New York**



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**VALERIE CAPRONI**  
**United States District Judge**